

ZB# 03-59

Andrew Coffey

24-4-22

ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, N.Y. 12553
Granted 1-26-04

ZBA #03-59 ANDREW COFFEY
233 SPRUCE ST. (AREA) 24-4-22

298-0005 Andy Coffey



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4695

OFFICE OF THE ZONING BOARD OF APPEALS

March 15, 2004

Andrew Coffey (or Present Owner of)
233 Spruce Street
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANCE #03-59 (24-4-22)

Dear Mr. Coffey or Present Owner:

Please find enclosed two copies of the Formal Decision for your case before the Zoning Board of Appeals. Please keep these copies in your records for future reference if needed.

If you are in need of any further assistance or have any questions in this matter, please feel free to contact me at the above number.

Very truly yours,

Myra Mason

Myra Mason, Secretary to the
NEW WINDSOR ZONING BOARD

MLM:mlm

cc: Michael Babcock, Building Inspector

NEW WINDSOR ZONING BOARD OF APPEALS

SBL: 24-4-22

In the Matter of the Application of

MEMORANDUM OF
DECISION GRANTING

ANDREW COFFEY

AREA

CASE #03-59

WHEREAS, Andrew Coffey, owner(s) of 233 Spruce Street, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an 23 ft. Front Yard Setback for existing front deck (Use: E-8 Bulk Tables) at 233 Spruce Street in an R-4 Zone

WHEREAS, a public hearing was held on January 26, 2004 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared on behalf of this Application; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in favor of or in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.
2. The Evidence presented by the Applicant showed that:
 - (a) The property is a residential property located in a neighborhood of residential properties.
 - (b) The applicants will not be cutting down any trees or removing any substantial vegetation to build the addition.
 - (c) The property, consisting of a one-family home, has had a deck adjacent to the front main entrance to the house for approximately 20 years.

- (d) The deck does not cause the building to look like it is closer to the road than other neighboring buildings.
- (e) During the time the deck has been in place, there have been no complaints, either formal or informal.
- (f) The deck is not constructed on top of any easements including, but not limited to, water, sewer and utility.
- (g) The deck does not divert the flow of water drainage or create the ponding or collection of water.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance(s) will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant that can produce the benefits sought.
3. The variance(s) requested are substantial in relation to the Town regulations but, nevertheless, are warranted.
4. The requested variance(s) will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but, nevertheless, should be allowed.
6. The benefit to the Applicant, if the requested variance(s) are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variance(s) are/is appropriate and are/is the minimum variance(s) necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
8. The interests of justice will be served by allowing the granting of the requested area variance(s).

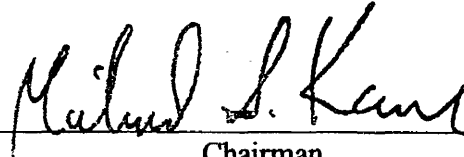
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a 23 ft. Front Yard Setback for existing front deck (Use: E-8 Bulk Tables) at 233 Spruce Street in an **R-4 Zone** as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and/or Building Inspector and Applicant.

Dated: January 26, 2004

A handwritten signature in black ink, appearing to read "Michael S. Kane", is written over a horizontal line.

Chairman

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
OFFICE
845-563-4615**

MEMORANDUM

TO: LARRY REIS, COMPTROLLER
FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD
DATE: MARCH 1, 2004
SUBJECT: ESCROW REFUND - ZBA# 03-59

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 200.00 TO CLOSE OUT
ESCROW FOR:**

ZBA FILE #03-59

NAME & ADDRESS:

**Andrew Coffey
30 Hiview Road
Wappingers Falls, NY 12590**

THANK YOU,

MYRA

L.R.03-01-04



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
RECORD OF CHARGES & PAYMENTS**



FILE #03-59 TYPE: AREA

APPLICANT Name & Address:

**Andrew Coffey
30 Hiview Road
Wappingers Falls, NY 12590**

TELEPHONE: 298-0005

RESIDENTIAL:	\$ 50.00	CHECK # <u>1360</u>
COMMERCIAL	\$ 150.00	CHECK # _____
INTERPRETATION	\$ 150.00	CHECK # _____

ESCROW: RESIDENTIAL \$300.00 CHECK # 1361

<u>DISBURSEMENTS:</u>		<u>MINUTES</u> <u>\$4.50 / PAGE</u>	<u>ATTORNEY</u> <u>FEE</u>
PRELIMINARY:	<u>3</u> PAGES	\$ <u>13.50</u>	\$ <u>35.00</u>
2 ND PRELIMINARY:	____ PAGES	\$ _____	\$ _____
PUBLIC HEARING: 1/26/04	<u>3</u> PAGES	\$ <u>16.50</u>	\$ <u>35.00</u>
PUBLIC HEARING:	____ PAGES	\$ _____	\$ _____
TOTAL:		\$ <u>30.00</u>	\$ <u>70.00</u>

PLEASE NOTE: AS OF 1/1/04 MINUTES ARE \$5.50 PER PAGE

ESCROW POSTED:	\$ 300.00
LESS: DISBURSEMENTS:	\$ <u>100.00</u>
AMOUNT DUE:	\$ _____
REFUND DUE:	\$ <u>200.00</u>

L.R. 3/1/04

**OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK**

COPY

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: November 4, 2003

**APPLICANT: Andrew Coffey
233 Spruce Street
New Windsor, NY 12553**

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 11/4/03

FOR : Existing 9'6" X 8' front deck.

LOCATED AT: 233 Spruce Street

ZONE: R-4 Sec/Blk/ Lot: 24-4-22

DESCRIPTION OF EXISTING SITE: SBL# 24-4-22

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

- 1. Existing front deck does not meet minimum 35' front yard set-back.**


BUILDING INSPECTOR

PERMITTED

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: R-4 USE: E-8Bulk Tables

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD:

35'

12'

23'

REQ'D SIDE YD:

REQ'D TOTAL SIDE TD:

REQ'D REAR YD:

REQ'D FRONTAGE:

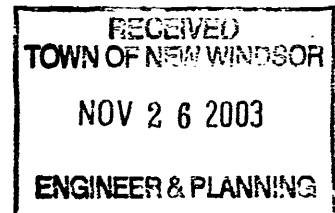
MAX BLDG HT:

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP



03-59

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

COPY

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be inspected and corrected.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and underslab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

SEP 31 2003

BUILDING DEPARTMENT

FOR OFFICE USE ONLY:
Building Permit #: 2003-1338

**AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS
REQUIRED BEFORE THE BUILDING PERMIT APPLICATION WILL BE ACCEPTED AND/OR ISSUED**

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises

Andrew Colley

Address

233 Spruce St

Phone #

(845) 298-0005

Mailing Address

30 Hiview Rd. WAPPINGERS FALLS
NY 12590

Fax #

Name of Architect

Address

Phone

Name of Contractor

Address _____ Phone _____

State whether applicant is owner, lessee, agent, architect, engineer or builder _____

If applicant is a corporation, signature of duly authorized officer. _____

(Name and title of corporate officer)

1. On what street is property located? On the _____ side of _____
(N,S,E or W)
and _____ feet from the intersection of _____

2. Zone or use district in which premises are situated _____ Is property a flood zone? Y _____ N _____

3. Tax Map Description: Section 24 Block 4 Lot 22

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.

a. Existing use and occupancy _____ b. Intended use and occupancy _____

5. Nature of work (check if applicable) ☐ New Bldg. ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☒ Other 96' x 8'

6. Is this a corner lot? _____

existing front Deck

7. Dimensions of entire new construction. Front _____ Rear _____ Depth _____ Height _____ No. of stories _____

8. If dwelling, number of dwelling units: _____ Number of dwelling units on each floor _____

Number of bedrooms _____ Baths _____ Toilets _____ Heating Plant: Gas _____ Oil _____

Electric/Hot Air _____ Hot Water _____ If Garage, number of cars _____

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____

10. Estimated cost _____ Fee \$50

CH# 1342

PAID

date

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock
Asst. Inspectors Frank Lisl & Louis Krychear
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(845) 563-4618
(845) 563-4695 FAX

Bldg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____

INSTRUCTIONS

- A. This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

x _____
(Signature of Applicant)

(Address of Applicant)

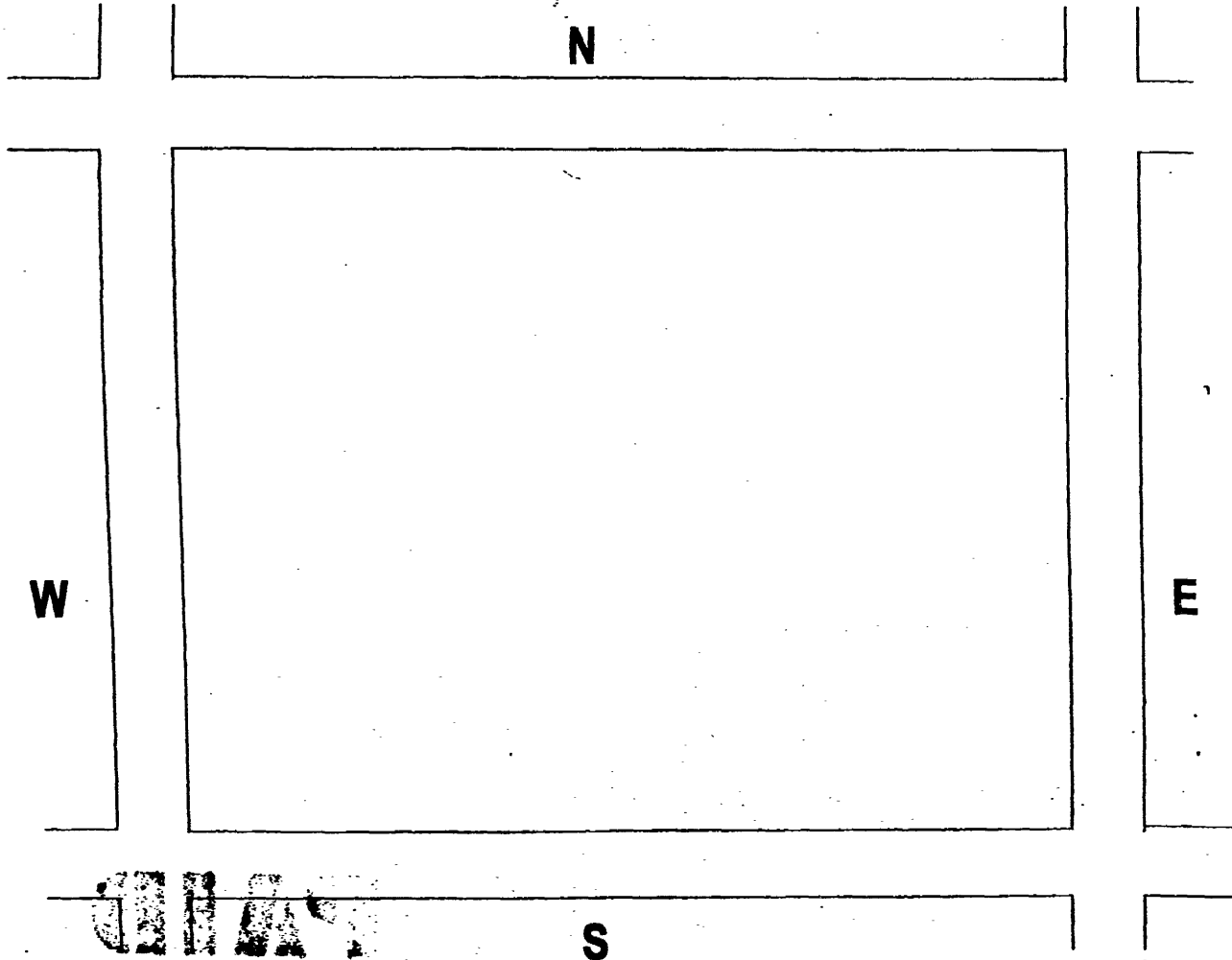
(Owner's Signature)

(Owner's Address)

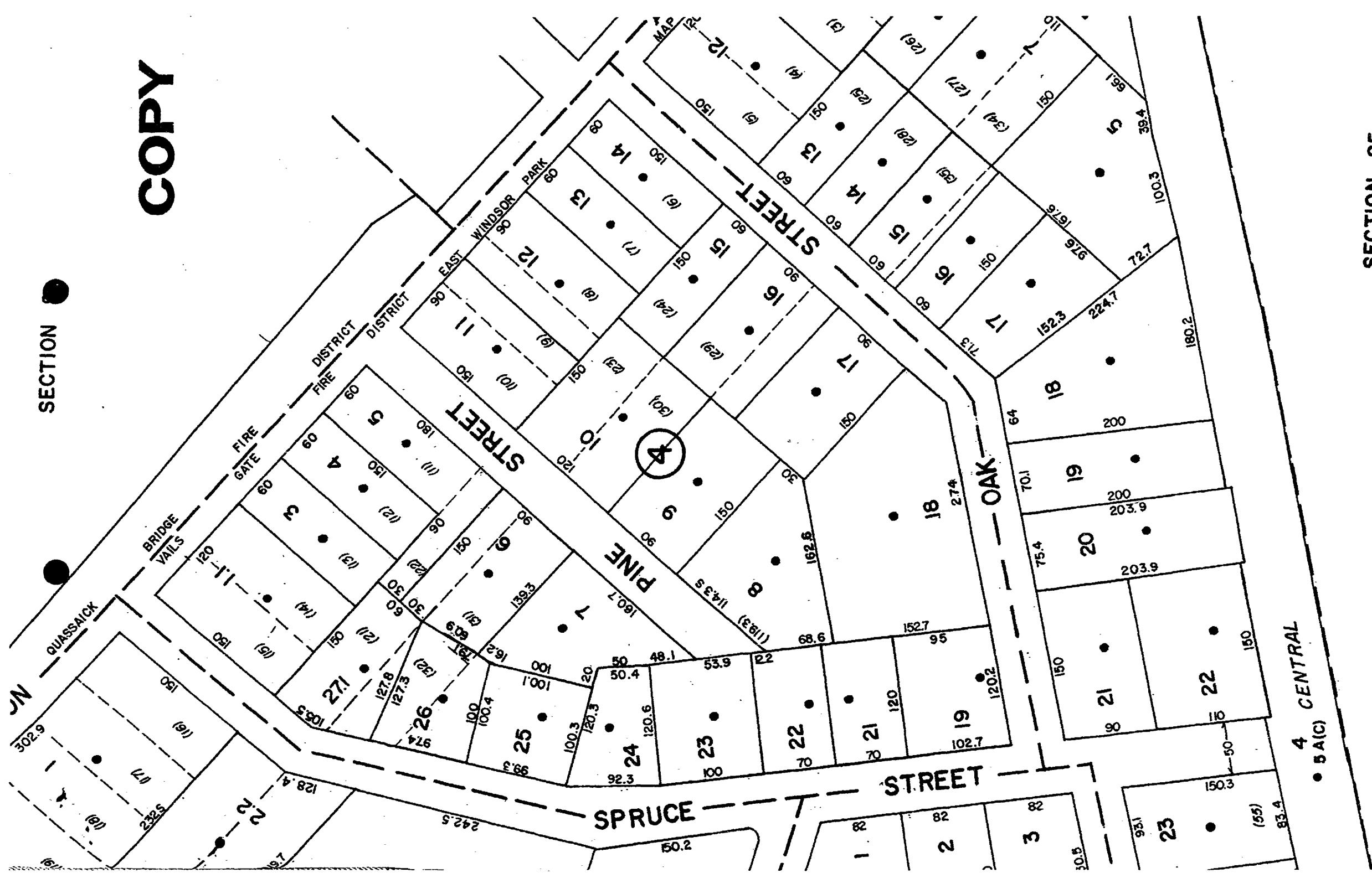
PLOT PLAN

NOTE:

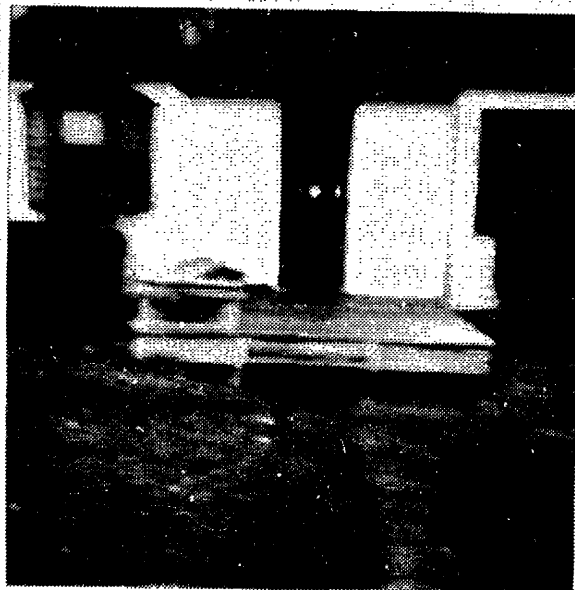
Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.



COPY







PUBLIC HEARINGS:

ANDREW COFFEY (03-59)

Mr. Andrew Coffey appeared before the board for this proposal.

MR. REIS: Request for 23 ft. front yard setback for existing front deck (Use: E-8 bulk tables) at 233 Spruce Street in an R-4 zone. Andrew, tell us what you want to do.

MR. COFFEY: We went through that with the preliminary hearing.

MR. REIS: Are you Andrew?

MR. COFFEY: Yes.

MR. REIS: Tell us.

MR. KRIEGER: You have to tell them over again.

MR. COFFEY: Okay, yeah, the deck that needs the variance is like 4 feet out from the front of the house and it's been there 20 years. And I was dealing with Frank, the inspector, I had to make a modification to it but I'm asking for a variance to keep the deck the same size, it's been there for about 20 years.

MR. KRIEGER: And that deck doesn't visually cause the building to look like it's closer to the road than other neighboring buildings, it looks about the same?

MR. COFFEY: Yes.

MR. MC DONALD: Looking at the pictures here, if you didn't have the deck, you could have a falling hazard when you came out of the building?

MR. COFFEY: Yeah.

MR. RIVERA: Any complaints formally or informally?

MR. COFFEY: No.

MR. MC DONALD: Not over any easements?

MR. COFFEY: No.

MR. REIS: Are the pictures that we're looking at, Andrew, is that the existing deck now?

MR. COFFEY: Yes.

MR. KRIEGER: Doesn't divert the flow of water drainage or create the ponding or collection of water?

MR. COFFEY: No.

MR. RIVERA: Any mailings or open it to the public?

MR. REIS: Let's open it to the public. We'll open it up to the public, anyone that wishes to speak on this one way or the other? Anybody? We'll close the public hearing.

MS. MASON: On the 13th of January, 69 addressed envelopes were mailed out with the public hearing notice.

MR. REIS: Any responses?

MS. MASON: I'm sorry, no, there wasn't.

MR. MC DONALD: Accept a motion?

MR. REIS: Please.

MR. MC DONALD: I make a motion that we grant Mr.

January 26, 2004

34

Coffey his request for 23 foot front yard setback for his existing front deck as 233 Spruce Street.

MR. RIVERA: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. MC DONALD	AYE
MR. REIS	AYE



RESULTS OF Z.B.A. MEETING OF:

January 29, 2004

PROJECT: Andrew Coffey

ZBA # 03-59

P.B.#



USE VARIANCE:

NEED: EAF

PROXY

LEAD AGENCY: M) S) VOTE: A N
RIVERA
MCDONALD CARRIED: Y N
REIS
MINUTA
KANE

NEGATIVE DEC: M) S) VOTE: A N
RIVERA
MCDONALD CARRIED: Y N
REIS
MINUTA
KANE

PUBLIC HEARING: M) S) VOTE: A N
RIVERA
MCDONALD CARRIED: Y N
REIS
MINUTA
KANE

APPROVED: M) S) VOTE: A N
RIVERA
MCDONALD CARRIED: Y N
REIS
MINUTA
KANE

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M) S) VOTE: A N
RIVERA
MCDONALD
REIS CARRIED: Y N
MINUTA
KANE

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES ✓

VARIANCE APPROVED: M) MC S) Riv VOTE: A 3 N 0.

★ RIVERA A
MC DONALD A
REIS A
~~MINUTA~~
KANE

CARRIED: Y ✓ N .

No Public Comment -

**ZONING BOARD OF APPEALS: TOWN OF NEW WINDSOR
COUNTY OF ORANGE: STATE OF NEW YORK**

-----X

In the Matter of the Application for Variance of

ANDREW COFFEY

**AFFIDAVIT OF
SERVICE
BY MAIL**

#03-59

----- X

STATE OF NEW YORK)

) SS:

COUNTY OF ORANGE)

MYRA L. MASON, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 67 Bethlehem Road, New Windsor, NY 12553.

That on the 13TH day of JANUARY, 2004, I compared the 69 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor's Office regarding the above application for a variance and I find that the addresses are identical to the list received. I then placed the envelopes in a U.S. Depository within the Town of New Windsor.

Sworn to before me this

Myra L. Mason

Myra L. Mason, Secretary

13th day of January, 2004

J. J. Mead
Notary Public

**JENNIFER MEAD
Notary Public, State Of New York
No. 01ME6050024
Qualified In Orange County
Commission Expires 10/30/ 2005**

Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611

RECEIPT
#2-2004

01/02/2004

Coffey, Andrew
30 Highview Road
Wappingers Falls, NY 12590

Received \$ 60.00 for Assessors List, on 01/02/2004. Thank you for stopping
by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4631
Fax: (845) 563-4693

Assessor's Office

December 11, 2003

Andrew Coffey
30 HiView Road
Wappingers Falls, NY 12590

Re: 24-4-22 ZBA#03-59

Dear Mr. Coffey:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$85.00, minus your deposit of \$25.00.

Please remit the balance of \$60.00 to the Town Clerk's Office.

Sincerely,

J. Todd Wiley, IAO
Assessor

JTW/lrd
Attachments

CC: Myra Mason, ZBA

24-3-2.2
Margaret Millspaugh
226 Spruce Street
New Windsor, NY 12553

24-3-4
John & Rose Mitchell
228 James Street
New Windsor, NY 12553

24-3-5.1
Roger Stack
Linda Toccafondi
222 Parkway Drive
New Windsor, NY 12553

24-3-7.1
John & Jeryl Robbins
224 Parkway Drive
New Windsor, NY 12553

24-3-8.1
Peter & Diane Vanderwerff
226 Parkway Drive
New Windsor, NY 12553

24-3-9
Stacey Hughes
228 Parkway Drive
New Windsor, NY 12553

24-3-10
George & Gina Lippi
230 Parkway Drive
New Windsor, NY 12553

24-3-28
Darrell Sorace
239 Daniher Avenue
New Windsor, NY 12553

24-3-29
Teresa Brophy
Robert Carton
235 Daniher Avenue
New Windsor, NY 12553

24-3-30
Jon & Joan Mulherin
233 Daniher Avenue
New Windsor, NY 12553

24-3-31
Helen Miller
231 Daniher Avenue
New Windsor, NY 12553

24-3-32
Salvatore Cocchia & Nicholas Cocchia
Emma Cocchia
229 Daniher Avenue
New Windsor, NY 12553

24-4-1.1
Patricia & Richard Hartfield
285 Union Avenue
New Windsor, NY 12553

24-4-3
James Sr. & Anna Jensen
281 Union Avenue
New Windsor, NY 12553

24-4-4
Johanna & Vincent Delgatto
279 Union Avenue
New Windsor, NY 12553

24-4-5
Ernest & Mary Alice Froehlich
275 Union Avenue
New Windsor, NY 12553

24-4-6
John McQuiston
224 Pine Street
New Windsor, NY 12553

24-4-7
Christine VonHoff
226 Pine Street
New Windsor, NY 12553

24-4-8
Walter Olsen & Alicia Olsen
Daniel Olsen
227 Pine Street
New Windsor, NY 12553

24-4-9
Louis & Virginia Sciolto
225 Pine Street
New Windsor, NY 12553

24-4-10
Robert & Diann Williams
223 Pine Street
New Windsor, NY 12553

24-4-11
Joyce & Eugene Pelella
273 Union Avenue
New Windsor, NY 12553

24-4-12
William & Valerie Ann Horton
269 Union Avenue
New Windsor, NY 12553

24-4-13
Susanne Meehan
269 Union Avenue
New Windsor, NY 12553

24-4-14
Robert & Larissa Ehrlinger
263 Union Avenue
New Windsor, NY 12553

24-4-15
Alfred Sr. & MaryAnn Conley
224 Oak Street
New Windsor, NY 12553

24-4-16
Robert Pagliaro
226 Oak Street
New Windsor, NY 12553

24-4-17
Nicholas & Janice Garzione
228 Oak Street
New Windsor, NY 12553

24-4-18
Joseph & Elsie McGrath
230 Oak Street
New Windsor, NY 12553

24-4-19
Lisa Manzo
Joseph DeMatteo
237 Spruce Street
New Windsor, NY 12553

24-4-21
Patricia Jo Deyo
Mary Jane Davenport
235 Spruce Street
New Windsor, NY 12553

24-4-23
Mark & Maureen Pavlik
231 Spruce Street
New Windsor, NY 12553

24-4-24
Curtis Pod
229 Spruce Street
New Windsor, NY 12553

24-4-25
Richard & Kathleen Lucchesi
227 Spruce Street
New Windsor, NY 12553

24-4-26
Joseph White Jr.
Joan Muoio
225 Spruce Street
New Windsor, NY 12553

24-4-27.1
Victor & Sonia Elsevyf
223 Spruce Street
New Windsor, NY 12553

24-5-4
Consolidated Rail Corporation
6 Penn Center Plaza
Philadelphia, PA 19103

24-5-5
Janet Anderson
C/o Janet Graham
8 Elm Street
New Windsor, NY 12553

24-5-7
Paula Sarvis & William King
C/o Alex & Irene King
6 Elm Street
New Windsor, NY 12553

24-5-12
Tonina Snyder
261 Union Avenue
New Windsor, NY 12553

24-5-13
Denise Workman
223 Oak Street
New Windsor, NY 12553

24-5-14
Helene Horaz & Marilyn Terry
Edna Bliss
82 Chestnut Lane
Newburgh, NY 12550

24-5-15
Philip & Adrienne Montrone
227 Oak Street
New Windsor, NY 12553

24-5-16
Edward & Maria Beach
229 Oak Street
New Windsor, NY 12553

24-5-17
William & Charlotte Walsh
231 Oak Street
New Windsor, NY 12553

24-5-18
Charles & Francine McDonough
233 Oak Street
New Windsor, NY 12553

24-5-19
Isidore & Concetta Ruggerio
235 Oak Street
New Windsor, NY 12553

24-5-20
Melvin & Eva Bynum
237 Oak Street
New Windsor, NY 12553

24-5-21
Robert & Ruth Laverty
239 Spruce Street
New Windsor, NY 12553

24-5-22
Dennis & Ann Mullin
241 Spruce Street
New Windsor, NY 12553

24-5-23
Stefan & Edris Lenart
242 Spruce Street
New Windsor, NY 12553

24-5-24
Patricia Lang
223 Garden Street
New Windsor, NY 12553

24-5-25
Travis Durrwachter
Stacy Liparidis
225 Garden Street
New Windsor, NY 12553

24-5-26
Robert & Christina Christie
227 Garden Street
New Windsor, NY 12553

24-6-1
William & Linda Holderfield
236 Spruce Street
New Windsor, NY 12553

24-6-2
Louis O'Neil
Jacalyn Hamilton
238 Spruce Street
New Windsor, NY 12553

24-6-3
William Murphy
Kathleen McGuinness
240 Spruce Street
New Windsor, NY 12553

24-6-4
Richard & Angela Case
224 Garden Street
New Windsor, NY 12553

24-6-5
Esther Krutchick
18 Kings Gate Road
Suffern, NY 10901

24-6-6
Emiel & Serena Zeger
228 Garden Street
New Windsor, NY 12553

24-6-7

Richard & Karen Wixon
222 Franklin Street
New Windsor, NY 12553

24-6-8

Frank & Frances Vanasco
224 Franklin Street
New Windsor, NY 12553

24-6-9

Mary Olympia
226 Franklin Street
New Windsor, NY 12553

24-6-10

Remo & Angela DeCapite
227 Parkway Drive
New Windsor, NY 12553

24-6-11

Andrew Krieger
219 Quassaick Avenue
New Windsor, NY 12553

24-6-12

John Martin
223 Parkway Drive
New Windsor, NY 12553

25-5-24

Christine Naclerio
408 Carlton Circle
New Windsor, NY 12553

25-5-25

William Kreeger
410 Carlton Circle
New Windsor, NY 12553

25-5-26

Joseph & Mary Hussey
411 Carlton Circle
New Windsor, NY 12553

PUBLIC HEARING NOTICE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 03-59

Request of ANDREW COFFEY

for a VARIANCE of the Zoning Local Law to Permit:

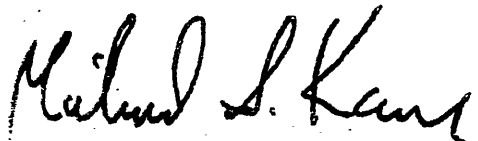
Request for 23 ft. Front Yard Setback for existing front deck in an R-4 Zone

being a VARIANCE of Section Use: E-8 Bulk Tables

for property located at: 233 Spruce Street - New Windsor, NY

known and designated as tax map Section 24 Block 4 Lot 22

PUBLIC HEARING will take place on JANUARY 26, 2004
at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York
beginning at 7:30 P.M.



Michael Kane, Chairman



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4695

ZONING BOARD OF APPEALS

January 13, 2004

Andrew Coffey
30 Hiview Road
Wappingers Falls, NY 12590

SUBJECT: REQUEST FOR VARIANCE #03-59

Dear Mr. Coffey:

This is just to let you know your Notices for Public Hearing were mailed out and the notice was also sent to The Sentinel Newspaper for publication. **PLEASE NOTE: The Sentinel will bill you directly for this add. This is not included in the escrow you posted upon application.**

Your Public Hearing before the Zoning Board of Appeals for your requested variance at:

233 Spruce Street
New Windsor, NY

is scheduled for the January 26, 2004 agenda.

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have any questions or concerns in this matter, please feel free to contact me.

Very truly yours,

Myra Mason, Secretary
Zoning Board of Appeals

MLM:mlm



RESULTS OF Z.B.A. MEETING OF: December 2, 2003

PROJECT: Andrew Coffey ZBA # 03-59
P.B.#



USE VARIANCE: NEED: EAF PROXY

LEAD AGENCY: M) S) VOTE: A N
RIVERA
MCDONALD CARRIED: Y N
REIS
MINUTA
KANE

NEGATIVE DEC: M) S) VOTE: A N
RIVERA
MCDONALD CARRIED: Y N
REIS
MINUTA
KANE

PUBLIC HEARING: M) S) VOTE: A N
RIVERA
MCDONALD CARRIED: Y N
REIS
MINUTA
KANE

APPROVED: M) S) VOTE: A N
RIVERA
MCDONALD CARRIED: Y N
REIS
MINUTA
KANE

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M) LS S) VOTE: A N
RIVERA
~~MCDONALD~~
REIS CARRIED: Y N
MINUTA
KANE

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES

VARIANCE APPROVED: M) LS S) RV VOTE: A N

RIVERA
MC DONALD CARRIED: Y N
REIS
MINUTA
KANE

No Trees
Existing 20 yrs
No Complaints
Need hard rails

PRELIMINARY MEETINGS:

ANDREW COFFEY (03-59)

MR. KANE: Well open first preliminary meeting. Request for 23 ft. front yard setback for existing front deck (Use: E-8 bulk tables) at 233 Spruce Street in an R-4 zone.

Mr. Andrew Coffey appeared before the board for this proposal.

MR. KANE: Just to give you an idea, I'll speak to everybody that's here, for a preliminary hearing, we usually do a preliminary meeting in New Windsor so we can get an idea of what you want to do and you get an idea of what we require from you. A lot of towns hold one public hearing so you walk in cold and you don't know what to expect. So this way, you're able to prepare for the public meeting, all our votes have to be done in a public hearing. Just speak loud enough so the stenographer can hear you, tell us what you want to do.

MR. COFFEY: I was in the process of selling my house and what had happened was there was a violation, the guy had moved into the house so he was allowed to move into the house and we held money in escrow and me and Frank Lisi came out, looked at the deck and it needs some modifications as far as the railing, he wants to keep the deck the same size, the new owner.

MR. KANE: And Mike, the deck extends too far out from the house, it's big?

MR. BABCOCK: Yeah, you're allowed a 6 foot and this is 8 foot by 9, to project into the front setback.

MR. KANE: Did you cut down any trees in the or substantial shrubbery or vegetation rather in the

building of this deck?

MR. COFFEY: No, it was an existing deck.

MR. KANE: It was existing when you got the house?

MR. COFFEY: It's been there for 20 years.

MR. KANE: Create any water hazards that you know of?

MR. COFFEY: No.

MR. KANE: Any complaints formally or informally about the deck?

MR. COFFEY: No.

MR. KANE: Obviously, without the deck there, it would be considered a safety hazard walking out your front door?

MR. COFFEY: Yes.

MR. REIS: Mike, excuse me, does the applicant need a rail or guardrails?

MR. COFFEY: Yes, I'm sorry, you're talking to me?

MR. KANE: Yeah, Michael has said that he will need to come up to all the codes, he's basically here because the deck base is bigger than what's allowed. Guys, have any other questions?

MR. REIS: Accept a motion, Mr. Chairman?

MR. KRIEGER: So that you know cause I live around the corner from that house, it doesn't project any closer to the road than the neighboring houses, it fits in. I know that's one question you didn't ask.

December 8, 2003

5

MR. KANE: Thank you. I'll accept a motion.

MR. REIS: Make a motion that we set up Mr. Coffey for his requested variance at 233 Spruce Street.

MR. RIVERA: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. REIS	AYE
MR. MINUTA	AYE
MR. KANE	AYE

Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611

RECEIPT
#1100-2003

12/01/2003

Coffey, Andrew

Received \$ 50.00 for Zoning Board Fees, on 12/01/2003. Thank you for stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk

ZBA # 03-59
application fee

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

RECEIPT OF ESCROW RECEIVED:

DATE RECEIVED: 12-01-2003

FOR: **03-59 ESCROW**

FROM: **ANDREW COFFEY**

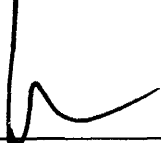
30 HIVIEW ROAD

WAPPINGERS FALLS, NY 12590

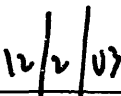
CHECK NUMBER: **1361**

AMOUNT: **300.00**

RECEIVED AT COMPTROLLER'S OFFICE BY:



NAME



DATE

PLEASE RETURN SIGNED COPY TO MYRA FOR FILING

THANK YOU



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4695

ZONING BOARD OF APPEALS

December 1, 2003

Andrew Coffey
30 Hiview Road
Wappingers Falls, NY 12590

SUBJECT: REQUEST FOR VARIANCE #03-59

Dear Mr. Coffey:

This letter is to inform you that you have been placed on the December 8th, 2003 agenda for the Zoning Board of Appeals to discuss your request for a variance at:

233 Spruce Street
New Windsor, NY

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have a problem with this time and/or date, please contact me at the above number and we will reschedule your appearance. If you have any further questions, please feel free to contact me.

Very truly yours,

Myra Mason, Secretary
Zoning Board of Appeals

MLM:mlm



TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, NY 12553
(845) 563-4615 (MYRA MASON)



ZONING BOARD PROCEDURES

**PLEASE READ PAGE ONE AND TWO OF THIS PACKAGE AND SIGN PAGE TWO
IT EXPLAINS THE PROCEDURE TO BE FOLLOWED FOR YOUR APPLICATION.**

PLEASE COMPLETE THE ATTACHED APPLICATION FORMS WHERE IT APPLIES TO YOUR SITUATION AND RETURN TO MYRA MASON (845-563-4615) AT THE ZONING BOARD OFFICE (LOCATED IN THE PLANNING BOARD & ENGINEERING OFFICE IN TOWN HALL) WITH THREE CHECKS MADE PAYABLE TO "THE TOWN OF NEW WINDSOR" AS FOLLOWS:

RESIDENTIAL: (Three Separate Checks Please)

APPLICATION FEE: \$ 50.00
*ESCROW: \$300.00
**DEPOSIT FOR PUBLIC HEARING LIST: \$ 25.00

MULTI-FAMILY: (Three Separate Checks Please)

APPLICATION FEE: \$150.00
*ESCROW: \$500.00
**DEPOSIT FOR PUBLIC HEARING LIST: \$ 25.00

COMMERCIAL: (Three Separate Checks Please)

APPLICATION FEE: \$150.00
*ESCROW: \$500.00
**DEPOSIT FOR PUBLIC HEARING LIST: \$ 25.00

INTERPRETATION: (Three Separate Checks Please)

APPLICATION FEE: \$150.00
*ESCROW: \$500.00
**DEPOSIT FOR PUBLIC HEARING LIST: \$ 25.00

YOU WILL THEN BE SCHEDULED FOR THE NEXT AVAILABLE AGENDA FOR YOUR "PRELIMINARY MEETING".

*

ESCROW

IS TO COVER OUTSIDE PROFESSIONAL FEES SUCH AS ZBA ATTORNEY FEE, MINUTES OF YOUR PORTION OF THE MEETING, ETC. THE BALANCE WILL BE RETURNED TO YOU UPON CLOSING FILE.

THE APPLICANT WILL BE BILLED DIRECTLY FOR THE PUBLIC HEARING ADVERTISEMENT IN THE "SENTINEL NEWSPAPER"

LIST OF PROPERTY OWNERS
WITHIN 500 FT. RADIUS OF
PROPERTY IN QUESTION:

APPROXIMATE COST FOR
PUBLIC HEARING LIST:

1-10 NAMES	25.00
11-20 NAMES	35.00
21-30 NAMES	45.00
31-40 NAMES	55.00
41-50 NAMES	65.00
51-60 NAMES	75.00
61-70 NAMES	85.00
71-80 NAMES	95.00
81-90 NAMES	105.00
91-100 NAMES	115.00

ANYTHING OVER 100 NAMES
IS \$1.00 EA. ADDITIONAL
NAME

RECEIVED
TOWN OF NEW WINDSOR
NOV 26 2003
ENGINEER & PLANNING

FOLLOWING YOUR PRELIMINARY MEETING, THE ZONING BOARD SECRETARY WILL ORDER YOUR "PUBLIC HEARING LIST" FROM THE ASSESSOR'S OFFICE.

1. WHEN THE ASSESSOR'S OFFICE NOTIFIES YOU THAT YOUR LIST IS READY, YOU MUST COME IN AND PAY THE BALANCE DUE FOR THE LIST. (THIS WILL BE PREPARED ON LABELS FOR YOUR CONVENIENCE).
2. PREPARE AN ENVELOPE (self-sealing envelopes are much appreciated) FOR EACH LABEL WITH YOUR RETURN ADDRESS AND A REGULAR \$.37 STAMP. BRING THE PREPARED ENVELOPES AND A COPY OF THE LIST TO THE ZONING BOARD SECRETARY FOR MAILING. YOUR PUBLIC HEARING DATE WILL BE SCHEDULED AT THIS TIME.

NOTE:

IF IT IS EASIER FOR YOU, YOU CAN BRING THE ENVELOPES WITH YOU WHEN YOU PICK UP AND PAY FOR YOUR LIST. YOU CAN PUT THE LABELS ON AT THAT TIME AND BRING THEM TO THE ZBA OFFICE FOR COMPLETION.

*** * MUST READ AND SIGN * ***

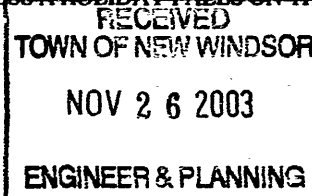
I UNDERSTAND THAT I WILL BE BILLED DIRECTLY FOR MY "LEGAL NOTICE" TO BE PUBLISHED IN THE SENTINEL NEWSPAPER FOR MY PUBLIC HEARING.... (this charge is not deducted from your escrow posted)

[Signature]
SIGNATURE

11-18-03
DATE

NOTE:

THE ZBA MEETS ON THE 2ND AND 4TH MONDAY OF EACH MONTH UNLESS A HOLIDAY FALLS ON THAT DATE. (JULY AND AUGUST - ONE MEETING PER MONTH ONLY)



PAGE 2

COMPLETE THIS PAGE ☐

03-59



TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE



11-18-03

Date

Application Type: Use Variance ☐ Area Variance ☐
Sign Variance ☐ Interpretation ☐

I.

(New owner)
Owner Information:

1000 CICARDO

(Name)

233 Spruce St New Windsor, NY 12553

(Address)

Phone Number: ()

Fax Number: ()

II.

If Moving to New Address, please list forwarding address for return of escrow:

Andrew Cobby

(Name)

30 Hivew Rd. Wappingers Falls NY 12590

(Address)

Phone Number: 845 298-0005

Fax Number: ()

III.

Attorney:

Phone Number: ()

Fax Number: ()

(Name)

(Address)

IV.

Contractor/Engineer/Architect/Surveyor/:

Phone Number ()

Fax Number: ()

(Name)

(Address)

V.

Property Information:

Zone: R-4 Property Address in Question: 233 Spruce St, New Windsor

Lot Size: _____ Tax Map Number: Section 24 Block 4 Lot 22

- a. What other zones lie within 500 feet? _____
b. Is pending sale or lease subject to ZBA approval of this Application? NO
c. When was property purchased by present owner? Sept. 9th 2003
d. Has property been subdivided previously? NO If so, When: _____
e. Has an Order to Remedy Violation been issued against the property by the Building/Zoning/Fire Inspector? NO
f. Is there any outside storage at the property now or is any proposed? NO

****PLEASE NOTE:****

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

RECEIVED
TOWN OF NEW WINDSOR

NOV 26 2003

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03-59

COMPLETE THIS PAGE ☐

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

VIII. AREA VARIANCE: (This information will be on your Building Department Denial form you receive)

Area Variance requested from New Windsor Zoning Local Law,

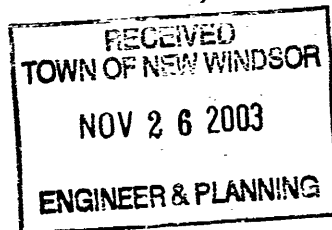
<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area		
Min. Lot Width		
Reqd. Front Yd. 35'	12'	23'
Reqd. Side Yd.		
Reqd. Rear Yd.		
Reqd. St Front*		
Max. Bldg. Hgt.		
Min. Floor Area*		
Dev. Coverage*		
Floor Area Ration**		
Parking Area		

*Residential Districts Only

**Non-Residential Districts Only

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.



03-59

COMPLETE THIS PAGE ☐

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

- IX. In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created.

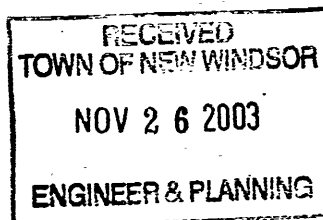
After reading the above paragraph, please describe why you believe the ZBA should grant your application for an Area Variance:

*I wish to get a variance
for the front porch for it has been there
20 years. The neighbors feel it adds character
to the house, & it has never been a problem.
Thank you*

Adam Coffey

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.



03-59

COMPLETE THIS PAGE ☐

XII. ADDITIONAL COMMENTS:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)
-
-

XIII. ATTACHMENTS REQUIRED:

- ☐ Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- ☐ Copy of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☐ Copies of signs with dimensions and location.
- ☐ Three checks: **(each payable to the TOWN OF NEW WINDSOR)**
 - ☐ One in the amount of \$ 300.00 or 500.00 , (escrow)
 - ☐ One in the amount of \$ 50.00 or 150.00 , (application fee)
 - ☐ One in the amount of \$ 25.00 , (Public Hearing List Deposit)
- ☐ Photographs of existing premises from several angles. **(IF SUBMITTING DIGITAL PHOTOS PRINTED FROM COMPUTER - PLEASE SUBMIT FOUR(4) SETS OF THE PHOTOS.)**

XIV. AFFIDAVIT.

STATE OF NEW YORK)

COUNTY OF ORANGE)

SS.:

JENNIFER MEAD
Notary Public, State Of New York
No. 01ME6050024
Qualified In Orange County
Commission Expires 10/20/2006

Todd A. Tuttle
Owner's Signature (Notarized)

TODD CICAROO

Owner's Name
11/25/03

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/her information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Sworn to before me this:

19th day of Nov. 2003.

Andrew Coffey
Applicant - Owner's Signature (Notarized)

Andrew Coffey

Applicant's Name (Please Print)

Applicant

Andrew Coffey
Applicant's Signature (If not Owner)

DEBORAH GREEN
Notary Public, State of New York
Qualified in Orange County
4984055
Commission Expires July 15, 2007

Signature and Stamp of Notary

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

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TOWN OF NEW WINDSOR
NOV 26 2003
ENGINEER & PLANNING

COMPLETE THIS PAGE ☐

03-59

APPLICANT/OWNER PROXY STATEMENT

(for professional representation)

for submittal to the:
TOWN OF NEW WINDSOR ZONING BOARD OF APPEALS

Todd CICALO, deposes and says that he resides
(OWNER)

at 233 SPRUCE STREET in the County of ORANGE
(OWNER'S ADDRESS)

and State of NEW YORK and that he is the owner of property tax map

(Sec. _____ Block _____ Lot _____)
designation number (Sec. _____ Block _____ Lot _____) which is the premises described in

the foregoing application and that he authorizes:

Andrew Coffey 30 Hiview Rd. WAPPINGERS FALLS NY 12590
(Applicant Name & Address, if different from owner)

(Name & Address of Professional Representative of Owner and/or Applicant)

to make the foregoing application as described therein.

Date:

11/25/03

Sworn to before me this:

25th

day of

November 2003

**

Todd A. Cicalo

Owner's Signature (MUST BE NOTARIZED)

Andrew Coffey

Applicant's Signature (If different than owner)

JENNIFER MEAD
Notary Public, State Of New York
No. 01ME8050024

Qualified In Orange County
Commission Expires 10/30/2006

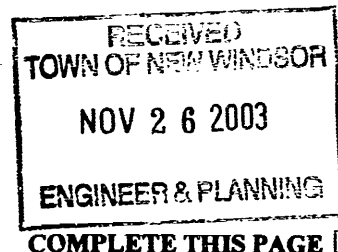
Signature and Stamp of Notary

[Signature]
Representative's Signature

THIS FORM IS TO BE COMPLETED ONLY IF SOMEONE OTHER THAN THE PROPERTY OWNER WILL BE APPEARING AS REPRESENTATION OF THE OWNER AT THE ZBA MEETINGS.

**** PLEASE NOTE:**

ONLY OWNER'S SIGNATURE MUST BE NOTARIZED.



03-59